

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLN. NO. 10/664,856  
ATTORNEY DOCKET NO. Q76501

**REMARKS**

Applicants thank the Patent Office for acknowledging Applicants' claim to foreign priority, and for indicating that that certified copy of the foreign priority document, European Patent Application No. 02292307.2, dated September 20, 2002, has been made of record in the file.

Applicants thank the Patent Office for returning an initialed copy of the PTO/SB/08 A & B form submitted with the Information Disclosure statement filed on September 18, 2003, thereby indicating that all the listed references were considered.

The Patent Office objects to the Drawings under 37 C.F.R. § 1.83(a) as not showing the features "VA2" and "VA3" of the claims. Claims 2 and 6 have been amended to remove the recitations of "VA2" and "VA3". Applicants submit that the objection to the Drawings has been overcome, and respectfully request withdrawal of same.

Claims 1-13 have been examined on their merits.

The Patent Office objects to claims 2-4 as being dependent upon a rejected base claim.<sup>1</sup> Applicants thank the Patent Office for indicating that claims 2-4 would be allowed if rewritten in independent form. However, instead of rewriting claims 2-4 in independent form, Applicants respectfully traverse the prior art rejections for the reasons set forth below.

Claims 1-13 are all the claims presently pending in the application.

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<sup>1</sup> During the January 10, 2005 telephone conference with Primary Examiner Nguyen, Examiner Nguyen indicated that claim 2 was objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form.

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1. Claims 1, 2, 4 10 and 12 stand objected to due to informalities. Applicants traverse the objection to claims 1, 2, 4, 10 and 12 for at least the following reasons.

Applicants herein amend claims 1, 2, 4 and 12 to overcome the Patent Office's objections. Applicants submit that the objections to claims 1, 2, 4 and 12 have been obviated, and request withdrawal of same.

With respect to the objection to claim 10, Applicants note that the Preliminary Amendment filed September 18, 2003 changed the dependency of claim 10 from "any of the preceding claims" to claim 1. Applicants' undersigned representative contacted Primary Examiner Nguyen on January 10, 2005 to point out that the objection to claim 10 was not applicable, and the Examiner agreed.

2. Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Weigand (U.S. Patent No. 5,374,966). Applicants traverse the rejection of claim 1 for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

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U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). A proper anticipation rejection requires that every element of the claim be found “in a single prior art reference.” *See In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). For anticipation to exist, there must be no difference between the claimed invention and the reference disclosure, as that reference would be understood by one of ordinary skill in the art. *See Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); *see also, Crown Operations Intn'l, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 U.S.P.Q.2d 1917 (Fed. Cir. 2002). Further, “an anticipating reference must describe the [claimed] subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention.” *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545, 48 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1998) (citing *In re Spada*, 911 F.2d 705, 708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Weigand fails to teach or suggest at least a linear amplifier and a non-linear amplifier as arranged in claim 1. The Patent Office alleges that Figure 11 of Weigand depicts a linear amplifier (112) and a non-linear amplifier (114) coupled together and having an active back termination arrangement. However, in the disclosure of Weigand, there is no teaching or suggestion that amplifier 112 is a linear amplifier and that amplifier 114 is a non-linear amplifier. Wiegan discloses that the two amplifiers have identical stage gain, based on their resistor

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networks. *See, e.g.*, col. 14, lines 54-59 of Weigand. Even the resistors (R6/R7) on their respective outputs are identical. Since the two amplifiers have exactly the same stage gain and receive the same input signal  $V_s$ , one amplifier (114) would not be operating as a non-linear amplifier while the other amplifier (112) would be operating as a linear amplifier.

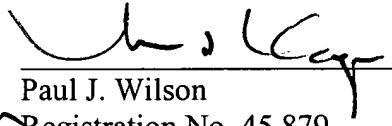
Based on the foregoing reasons, Applicants submit that Weigand fails to teach or suggest all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Weigand clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicants submit that claim 1 allowable, and further submit that claims 2-4, 10 and 11 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office withdraw the § 102(b) rejection of claims 1-4.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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